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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/669,227	09/24/2003	Stefan Bader	5367-44	2158
27799	7590	09/08/2006	EXAMINER	
COHEN, PONTANI, LIEBERMAN & PAVANE 551 FIFTH AVENUE SUITE 1210 NEW YORK, NY 10176			ROSE, KIESHA L	
			ART UNIT	PAPER NUMBER
			2822	

DATE MAILED: 09/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/669,227	Applicant(s) BADER ET AL.	
	Examiner Kiesha L. Rose	Art Unit 2822	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 and 15-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 and 15-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This Office Action is in response to the amendment filed 9 June 2006.

Response to Arguments

Applicant's arguments, see pages 11-13 of applicant's arguments, filed 9 June 2006, with respect to the rejection(s) of claim(s) 1-13 and 15-25 under 102 and 103 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of newly found prior art.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 13 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 13 discloses the distance between every two adjacent contact elements is related to the transverse conductivity of the p-doped layer such that the entire interface can be energized. It is unclear how the contact elements are related to the transverse conductivity of the p-doped layer so it can be energized. In addition, how is the relationship determined between the p-doped layer and the distances in relation to how it is energized.

Art Unit: 2822

For examining purpose the claim in question is being read as:

the surface of the semiconductor body is formed by a p-doped layer (160) made of a nitride compound semiconductor, the p-doped layer having a surface which faces the active zone and constitutes an interface, wherein there are distances between the contact elements.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-7,9,11-13 and 16 are rejected under 35 U.S.C. 102(e) as being anticipated by Lin (U.S. Patent 6,465,808).

In re claim 1, Lin discloses a light emitting device (Fig. 5) that contains a semiconductor body (120-160) comprising an active zone (140), a patterned contact layer (182) applied on a surface of the semiconductor body for electrical contact connection, interspaces distributed over the contact layer for the purpose of forming free areas on the surface which are not covered by the contact layer and a mirror (184) for covering the free areas.

Art Unit: 2822

In re claim 2, the mirror is embodied as a closed mirror layer covering the free areas and the contact layer. (Fig. 5)

In re claim 3, the material of the contact layer links electrically better to the semiconductor body than the material of the mirror. (Column 4, lines 7-11 and 45-49)

In re claim 4, the material of the mirror layer reflects the radiation generated in the active zone better than the material of the contact layer. (Column 4, lines 42-52)

In re claim 5, the surface of the semiconductor body is formed by a p-doped layer (160) made of a nitride compound semiconductor, and in which the material of the contact layer forms an ohmic contact with respect to the surface. (Column 4, lines 13-16)

In re claim 6, the contact layer contains nickel. (Column 4, lines 7-11)

In re claim 7, the mirror layer contains aluminum. (Column 4, lines 45-49)

In re claim 9, the contact layer comprises contact elements (182) that are separated from one another and in which a connecting layer (184) for making contact among the contact elements is provided on the contact layer.

In re claim 11, the contact elements are arranged at the nodes of a regular grid. (Fig. 4)

In re claim 12, the regular grid is a square grid. (Fig. 4)

In re claim 13, as far as understood, the surface of the semiconductor body is formed by a p-doped layer (160) made of a nitride compound semiconductor, the p-doped layer having a surface which faces the active zone and constitutes an interface, wherein there are distances between the contact elements.

Art Unit: 2822

In re claim 16, the interspaces are filled with a filler in order to partially planarize the surface of the patterned contact layer. (The filler is layer 184 since it fills the interspaces)

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 10 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lin as applied to claims 1,9,11 above, and further in view of Marshall et al. (U.S. Patent 6,673,254).

In re claims 10 and 15, Lin discloses all the limitations except for the contact elements to have a form a cylinder and have a hexagonal grid. Whereas Marshall discloses contact elements (14) (Fig. 1) that have a form of cylinders and the grid is hexagonal. The contact elements are cylinders and the grid is hexagonal to minimize the total number of contact elements per unit area of the reflective layer. (Column 4, lines 65-67, Column 5, lines 1-11) Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the device of Lin by incorporating the contact elements to have a form of a cylinder and to have a hexagonal grid to minimize the total number of contact elements per unit area of the reflective layer as taught by Marshall.

Art Unit: 2822

Claims 17,18 and 20-25 rejected under 35 U.S.C. 103(a) as being unpatentable over Lin as applied to claims 1 and 16 above, and further in view of Coman et al. (U.S. Publication 2001/0042866).

In re claim 17, Lin discloses all the limitations except for the filler material to be an electrically conductive material. Whereas Coman discloses a light emitting device (Fig. 3) that contains a filler (26a), which contains an electrically conductive material. The filler is an electrically conductive material to produce a highly reflective mirror. (Page 1, Paragraph 0006) Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of Lin by incorporating an electrically conductive material to produce a highly reflective mirror as taught by Coman.

In re claims 18 and 20, Coman discloses the filler contains a transparent and electrically insulating material, SiO₂. (Page 3, Paragraph 0023)

In re claims 21,22 and 24, Coman discloses a light-emitting device (Fig. 3) that contains a filler that forms a Bragg reflector (26a) that is produced from dielectrics and is arranged in the interspaces of the contact layer. (Page 3, Paragraph 0023)

In re claim 23, Coman discloses the Bragg reflector is produced by epitaxy. (Page 1, Paragraph 0006)

In re claim 25, Coman discloses the Bragg reflector contain layer pairs lying one on top of the other, of which respectively one has a high refractive index and one has a low refractive index and in which the number greater than 5 of layer-pairs are provided in each Bragg reflector. (Page 1, Paragraphs 6 and 9, Page 3, Paragraph 0023)

Art Unit: 2822

Claims 8 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lin and Coman as applied to claims 1 and 16-17 above, and further in view of Huang et al. (U.S. Patent 6,693,352).

In re claim 19, Marshall and Coman disclose all the limitations except for the filler to contain zinc oxide or indium tin oxide. Whereas Huang discloses a light-emitting device (Fig. 7) that contain contact layers (36a) with interspaces where the interspaces is filled with a filler that is zinc oxide or indium tin oxide. The filler is zinc oxide or indium tin oxide to function as a transparent conducting oxide. (Column 5, lines 23-33) Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the devices of Marshall and Coman by incorporating the filler to be zinc oxide or indium tin oxide to function as a transparent conducting oxide as taught by Huang.

In re claim 8, Huang discloses the contact layer has a thickness of less than 100nm. (Column 5, lines 10-19)

Response to Arguments

Applicant's arguments with respect to claims 1-13 and 15-25 have been considered but are moot in view of the new ground(s) of rejection.

Art Unit: 2822

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kiesha L. Rose whose telephone number is 571-272-1844. The examiner can normally be reached on T-F 8:30-6:00 off Mondays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zandra Smith can be reached on 571-272-2429. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


KLR
9/1/06